

### REMARKS

The Communication indicates that the response to the Office Action of October 4, 2004 "failed to acknowledge and respond to the requests set forth in the first and second paragraphs under the heading "Conclusion"; see page 5 of the October 4, 2004 Office Action." The following remarks are provided to address this issue.

### **BASIS FOR AMENDMENTS**

The October 4, 2004 Office Action indicates that "Applicant should specifically point out the support for any amendments made to the disclosure, including the claims" (page 5, lines 6-7). Basis for the amendment to claim 8 can be found in at least page 11, line 13 and lines 23-24, of Applicants' specification. Note that the "first end 408" in the specification corresponds to the claimed second end of the neck, as the claimed first end of the neck is connected to the femoral head.

Claim 11 was amended to proper Markush form (*i.e.*, to include "the group consisting of") rather than to add any additional limitation to the claim. Claims 12 and 14 were amended merely to improve the form thereof.

Claims 21-29 were presented for the first time in the response to the Office Action of October 4, 2004. Basis for claim 21 can be found in at least page 6, line 15, through page 7, line 23, of Applicants' specification. Basis for claim 22 can be found in at least page 7, line 30, of the present specification. Basis for claim 23 can be found in at least page 7, line 29, through page 8, line 2 of the present specification and in original claim 12. Basis for claim 24 can be found in at least page 7, lines 12-23, of Applicants' specification. Basis for claim 25 can be found in at least page 7, lines 9-30, of the present specification. Basis for claims 26 and 27 can be found in at least page 11, lines 19-22, of the present specification. Basis for claim 28 can be

found in at least page 11, lines 25-30, of Applicants' specification. Basis for claim 29 can be found in Applicants' specification at page 10, lines 3-15.

### COPENDING APPLICATIONS

The Office Action of October 4, 2004 further indicates "Applicant is respectfully requested to provide a list of all copending applications that set forth similar subject matter to the present claims" (page 5, lines 11-12). Based on information and belief, there are no such copending related applications.

### CONCLUSION

Wherefore, in view of the foregoing remarks, this application is considered to be in condition for allowance, and an early reconsideration and issuance of a Notice of Allowance are earnestly solicited. The Examiner is invited to contact Daren C. Davis at (817) 578-8616 with any questions, comments, or suggestions relating to the referenced patent application.

Respectfully submitted,

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